

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 12879 of 2004

Between:

Sri. D. Ramarayana Reddy, S/o. Sri D. Errumma Reddy, Hindu,
aged about 45 years, Occ: Secretary,

R/o. Kayampet PACS, Brahmanapattu Post, Vadamalapet Mandal,
Chittoor District. A.P.

..... PETITIONER

AND

- 1 The Registrar of Co-operative Society, A.P. State, Andhra Pradesh.
- 2 The District Co-operative Officer, Chittoor District, A.P.
- 3 The Divisional Co-operative Officer, Chittoor District, A.P.
- 4 The General Manager, The District Cooperative Central Bank,
Chittoor District, A.P.
- 5 The Sub-Divisional Cooperative Officer, and person-in-charge, the

Kayampeta, Primary Agricultural Cooperative Society Ltd.

Vadamalapet Mandal, Chittoor District A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of 5th respondent passed in Roc.No. 25/1/PIC, dt. 14-6-2004 is arbitrary, unjust, without jurisdiction, illegal, violative of fundamental rights and consequently set aside the orders.

Counsel for the Petitioner: DRA.M.KRISHNA

Counsel for the Respondent No.4: Mr.P.M.GOPALRAO

Counsel for the Respondent Nos.1,2,3 & 5: GP FOR COOPERATION

The Court made the following:

ORDER:

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The petitioner is working as a Secretary in the 5th respondent society. There is an allegation of misappropriation of Rs.82,662/- and Rs.89,750/- against the petitioner. The 5th respondent after finding a prima facie case, kept the petitioner under suspension through the proceedings dated 14.06.2004. The impugned order reveals that a notice was issued to the petitioner that he was absent from duty without prior intimation and permission of the PIC besides negligence in his duties for not writing the cashbook from 21.12.2003. The petitioner approached this Court, through this writ petition, seeking to suspend the suspension order, on the ground that the person-in-charge is not competent to keep him under suspension.

2. The person-in-charge represents the Managing Committee, in the absence of an elected body, and is entitled to exercise all the powers, which the Managing Committee empowers to exercise. Prima facie, I do not find any lack of jurisdiction to the 5th respondent to pass the impugned order.

3. The learned counsel for the petitioner represented that the petitioner did not misappropriate any amount, and he is ready to show all the accounts to the fact that no amount has been misappropriated by him. It is for the petitioner to place the relevant material during the course of enquiry. It is premature at this stage to interfere with the order of the 5th respondent. The writ petition cannot be maintained at this stage.

4. The Writ Petition is, accordingly, dismissed. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Registrar of Cooperative Society,
A.P.State, Andhra Pradesh

2. The District Cooperative Officer,
Chittoor District, A.P.

3. The Divisional Cooperative Officer,
Chittoor District, A.P.

4. The General Manager,
The District Cooperative Central Bank,
Chittoor District, A.P.

5. The Sub-Divisional Cooperative Officer
and person-in-charge,
the Kayampeta Primary Agricultural
Cooperative Society Limited,
Vadamalapet Mandal, Chittoor District, A.P.

6. Two CCs to the Government Pleader for Cooperation,

High Court Buildings, Hyderabad (OUT)

7. Two CD copies.